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Hearing Date: May 18, 2023

At: 10:00 a.m.

Objections Due By: May 11, 2023

At: 4:30 p.m.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

BEN'S GARDEN INC.,

Debtor.

Chapter 11

Case No.: 22-72391-las

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**NOTICE OF HEARING TO CONSIDER DEBTOR'S MOTION FOR ORDERS
EXTENDING TIME TO ASSUME OR REJECT UNEXPIRED LEASE OF NON-
RESIDENTIAL REAL PROPERTY**

PLEASE TAKE NOTICE, that a hearing to consider the motion (the "Motion") of Ben's Garden Inc. (the "Debtor"), as debtor and debtor in possession, seeking entry of (i) a bridge order pursuant to Rules 1001-1(c) and 6006-1(b) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Eastern District of New York, granting the Debtor an extension of its time to assume or reject its unexpired lease of non-residential real property located at and known as 141 Main Street, Stony Brook, New York from which it operates its business, through and including the hearing date on the Motion, and (ii) an order pursuant to § 365(d)(4) of title 11, United States Code granting the Debtor an extension of time to assume or reject the same unexpired lease of non-residential real property through and including July 7, 2023, or such further deadline consented to by the Debtor's Landlord, and granting the parties such other, further and different relief as this Court deems just and proper, with such hearing to be held before the Honorable Louis A. Scarcella, United States Bankruptcy Judge, United States Bankruptcy Court for the Eastern District of New York, Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, New York 11722, via telephonic hearing, on the **18th day of May, 2023 at 10:00 a.m.**, or as soon thereafter as counsel may be heard.

PLEASE TAKE FURTHER NOTICE, that objections to the relief requested in the Motion, must be in writing, stating with specificity the basis or bases on which such party in

interest objects to the within Application, filed with the Bankruptcy Court at the Court's website www.nyeb.uscourts.gov (Password and Login Required) and shall be delivered to the Chambers of the Honorable Louis A. Scarcella, and a hard copy shall be served upon (i) counsel to the Debtor, Certilman Balin Adler & Hyman, LLP, 90 Merrick Avenue, East Meadow, New York 11554 (Attn: Richard J. McCord, Esq.); (ii) the Office of the United States Trustee, Eastern District of New York, Alfonse M. D'Amato U.S. Courthouse, 560 Federal Plaza, Central Islip, New York 11722 (Attn: William J. Birmingham, Esq.); and (iii) Ronald J. Friedman, Esq., as Subchapter V Trustee, SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300, Jericho, New York 11753. All filings and service are to be made so as to be actually received by each party on or before **May 11, 2023 at 4:30 p.m.**

PLEASE TAKE FURTHER NOTICE that objecting parties are required to attend the Hearing and failure to appear may result in relief being granted or denied upon default.

PLEASE TAKE FURTHER NOTICE, Judge Scarcella will be conducting hearings by audio only, unless otherwise instructed. Zoom and in-person hearings will be conducted in select cases.

Audio only and Zoom hearings:

Commencing with his hearings scheduled for March 7, 2022, and continuing thereafter, all attorneys and unrepresented parties are required to register for the hearing(s) at least two (2) business days in advance of the scheduled hearing by using the Court's eCourt Appearances platform: <https://ecf.nyeb.uscourts.gov/cgi-bin/nyebAppearances.pl>.

Parties do not need to contact the Courtroom Deputy to request prior authorization to appear telephonically.

If for some reason you are not able to use the eCourt Appearances platform, you must email the Courtroom Deputy at: las_hearings@nyeb.uscourts.gov at least two (2) business days prior to the hearing and state that a reasonable effort to use the platform has been made. You must include your name, the case number(s), who you represent if you are an attorney, and the date of the hearing. **Your email must include in the Re line "I am not able to register using eCourt Appearances."** You will then be provided with the dial in / log in information. If you do not have internet access you may call the Courtroom Deputy with this information at (631) 712-6278.

Conduct during audio only hearings:

1. Announce your name each time before speaking.
2. Speak up and enunciate so that you can be heard and understood.
3. Avoid the use of a speaker phone (use a landline, if possible).

4. If you are not speaking, keep your phone muted.

Video conference hearings via Zoom:

Any hearing to be held by video will be on the Zoom platform. Unless directed otherwise, or unless you are examining a witness, you may attend a Zoom hearing using the audio only dial in option. Please consult your IT personnel if you have any problems logging in for the hearing.

Conduct during video conference hearings:

1. Announce your name each time before speaking.
2. Keep your camera off and phone muted unless you are addressing the Court or examining a witness.
3. Avoid the use of a speaker phone (use a landline, if possible).
4. Speak up and enunciate so that you can be heard and understood.

PLEASE TAKE FURTHER NOTICE, that the hearing to consider the application may be adjourned without further notice other than announcement of such adjournment in Court on the date scheduled for said hearing.

Dated: East Meadow, New York
April 10, 2023

CERTILMAN BALIN ADLER & HYMAN, LLP
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